

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIANA AGUILAR, ANDRES LEON, ELENA
LEON, ERIKA GABRIELA GARCIA-LEON
through her Next Friend Adriana Aguilar, CARSON
AGUILAR through his Next Friend Adriana Aguilar,
NELLY AMAYA, MARIO PATZAN DELEON,
DAVID LAZARO PEREZ, WILLIAM LAZARO,
TARCIS SAPON-DIAZ, SONIA BONILLA,
BEATRIZ VELASQUEZ through her Next Friend
Sonia Bonilla, DALIA VELASQUEZ through her
Next Friend Sonia Bonilla, ELDER BONILLA,
DIANA RODRIGUEZ, YONI REVOLORIO, JUAN
JOSE MIJANGOS, GONZALO ESCALANTE,
YANET MARTINEZ, RAUL AMAYA, GLORIA
VANESSA AMAYA, JOHN DOE #1, JANE DOE
#1, JOHN DOE #2 through his Next Friend Jane Doe
#1, JOHN DOE #3 through his Next Friend Jane Doe
#1, JOHN DOE #4, and JOHN DOE #5 on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against-

IMMIGRATION AND CUSTOMS
ENFORCEMENT DIVISION OF THE UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, MICHAEL CHERTOFF, United States
Secretary of the Department of Homeland Security,
JULIE L. MYERS, Assistant Secretary of Homeland
Security for Immigration and Customs Enforcement,
JOHN P. TORRES, Director of the Office of
Detention and Removal Operations, Immigration and
Customs Enforcement, CHRISTOPHER
SHANAHAN, New York Field Office Director for
Detention and Removal Operations, PETER J.
SMITH, JOSEPH A. PALMESE, JOHN and JANE
DOE ICE AGENTS, and JOHN ROE and JANE ROE
ICE SUPERVISORS,

Defendants.
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Civil Action No.
07 CIV 8224 (JGK) (FM)

**ORDER TO SHOW CAUSE
FOR TEMPORARY
RESTRAINING ORDER
AND EXPEDITED
DISCOVERY**

Upon the Declaration of Donna L. Gordon, with accompanying exhibits, and

Plaintiffs' Memorandum of Law in Support of Application for a Temporary Restraining

Order and for Expedited Discovery, and upon the Amended Class Action Complaint in the above-entitled proceedings, it is hereby:

ORDERED that Defendants show cause before this Court, at Courtroom 12B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on October ____, 2007 at ____ o'clock a.m./p.m., or as soon thereafter as counsel may be heard, why:

(A) a temporary restraining order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

enjoining and restraining Defendants, their agents, employees, assigns, all persons acting on their behalf, and all persons acting in concert or participating with them, until a determination is reached on Plaintiffs' forthcoming motion for a preliminary injunction, from:

(i) entering or searching any home or seeking consent to enter or search any home within the jurisdiction of the New York City regional office (and/or field office) of ICE without first obtaining a judicially ordered search warrant;

(ii) contacting, retaliating against, arresting, prosecuting or deporting the named Plaintiffs in this action, their family members and any witnesses to the raids described in the Amended Complaint and from approaching, searching, entering or seeking a warrant to enter any of such persons' homes under any circumstances; and

(iii) transferring any individuals detained by ICE within the jurisdiction of the New York City regional office (and/or field office) since September 20, 2007 to facilities outside of the State of New York without prior notice to the Court and counsel for Plaintiffs; and

(B) Plaintiffs' motion for expedited discovery pursuant to Rule 26(d) of the Federal Rules of Civil Procedure should not be granted.

ORDERED that personal service of a copy of this order, together with the papers on which it is granted, upon Defendant Immigration and Customs Enforcement Division

of the U.S. Department of Homeland Security at 26 Federal Plaza, Room 17-130, New York, New York 10278, on or before October ____, 2007, with copies of the same served by United States mail on the same day upon the remaining Defendants, shall be deemed good and sufficient service thereof.

Dated: New York, New York
October 5, 2007

Hon. John G. Koeltl

United States District Judge